

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v.

JIMMY GENE BRUMLEY,  
Defendant.

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\*  
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FILED BY                      D.C.  
05 SEP -8 PM 3:13

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

CR. NO. 95-10048-T

MOTION TO CONTINUE SENTENCING ON SUPERVISED RELEASE VIOLATION

Comes now the Defendant and moves that the sentencing presently scheduled for Thursday, September <sup>15</sup> 16, 2005 be continued. In support of this Motion movant would state:

1. Defendant has pled guilty in a two count indictment alleging a violation of 21 USC 841(a)(1). Based upon Defendant's prior criminal history, the pre sentence report recommends that he be qualified as a 'career offender' and that the appropriate sentence range is therefore 151-188 months after recommended adjustments.
2. Defendant remains in custody and is the only defendant in this matter.
3. Defense counsel is scheduled to be out of the office the week of September 12-16, 2005. Counsel's child is having surgery on September 12<sup>th</sup> and it is anticipated that he will be unable to return to day care for at least one week following such surgery.
4. Defense counsel has notified government counsel of the filing of this motion. There is no opposition to the relief requested.

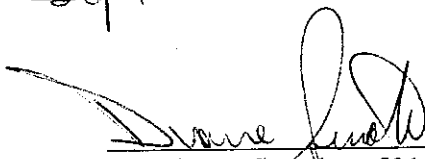
Premises considered, Defendant moves that the sentencing be continued until Monday, October 10, 2005 or thereafter for the grounds set forth above.

FILED BY                      D.C.  
05 SEP -8 AM 11:17  
THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

**MOTION GRANTED**  
DATE: 8 September 2005

James D. Todd  
James D. Todd  
U.S. District Judge

Respectfully submitted, this the 8 day of Sept, 2005.

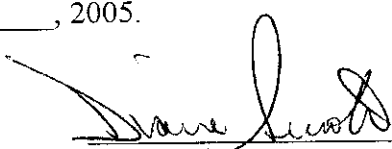
  
\_\_\_\_\_  
M. Dianne Smothers [011874]  
Assistant Federal Defender  
109 S. Highland Ave., Rm. B-8  
Jackson, TN 38301  
Phone: (731)427-2556

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing was served upon all interested parties by either hand delivery or by mailing same, postage prepaid to the following:

Mr. Jerry Kitchen  
Assistant United States Attorney  
109 South Highland, Suite 300  
Jackson, Tennessee, 38301

This the 8 day of Sept, 2005.

  
\_\_\_\_\_  
M. Dianne Smothers



## Notice of Distribution

This notice confirms a copy of the document docketed as number 56 in case 1:95-CR-10048 was distributed by fax, mail, or direct printing on September 13, 2005 to the parties listed.

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Jerry R. Kitchen  
U.S. ATTORNEY  
109 S. Highland Ave.  
Jackson, TN 38301

M. Dianne Smothers  
FEDERAL PUBLIC DEFENDER  
109 S. Highland Ave.  
Ste. B-8  
Jackson, TN 38301

Honorable James Todd  
US DISTRICT COURT